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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/081,202 | 02/25/2002 | Hidetoshi Kuroki | NIP-258 | 2856 |

24956 7590 10/03/2003

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EXAMINER

LIU, HAN L

ART UNIT PAPER NUMBER

3746

DATE MAILED: 10/03/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/081,202

Applicant(s)

KUROKI ET AL.

Examiner

Han Lieh Liu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2 and 4-6 is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Receipt is acknowledged of papers submitted for "Amendment" on 08/18/2003. This amendment amends claims 1 – 6. Amendment papers have been placed of record in the file. The amended claims are examined in this office action.

Drawings

2. PTO Draftsperson has approved the Formal Drawings submitted on 02/25/2002.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Lambert et al. (USPN 2789234).

Lambert et al. disclose a power plant in Figs. 1 and 2, comprising a power generation apparatus divided into a plurality of modules, (power device 39, electric generator 38, control box 40, battery 21), a common base (45) for mounting thereon said power generation apparatus, and a support device (carrier 19) for supporting said common base, characterized in that said common base is constructed so that it is used as a part of a transportation vehicle (13)

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transporting said common base and as a support frame of said power plant as shown in Figs. 1 and 2.

Allowable Subject Matter

4. Claims 2 and 4 – 6 are allowed.

Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: De Bella (USPN 3714449), Anderson et al. (USPN 3418485), Armstrong et al. (USPN 2799782).

De Bella discloses a portable engine-generator power unit that has a rectangular base frame enclosing a fuel tank for the engine. N engine-generator set is mounted on beams spanning the base frame over the tank. A housing rests on the base frame and encloses the engine-generator set.

Anderson et al. disclose an integrated enclosure and mounting arrangement for a gas turbine engine and electric generator set. Both turbine and generator are anchored on a common base.

Armstrong et al. disclose an engine-generator unit, which is mounted under the bottom of the body of a standard railroad car. The unit is horizontally elongated and is positioned so that it

extends lengthwise of the railroad car and has associated therewith roller and track means whereby it may be shifted back and forth between a regular operating position and an inspection position wherein it is disposed outward of one side of the car.

Response to Arguments

6. There is an error in entering Sato's reference document number in the Office Action mailed on 5/20/2003. Sato's publication number should have been JP 11-13416. JP 09-172019 is its corresponding Application Number. Examiner regrets this mishap in choosing the publication number. The arguments presented in that Office Action is based on the correct reference.

Applicant's arguments with respect to claim 1 have been considered but are not persuasive in view of the new ground(s) of rejection presented above. This amendment is non-final to afford the applicant the opportunity to respond to the new ground of rejection.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Han Lih Liu whose telephone number is 703-305-0860. The examiner can normally be reached on Monday - Thursday 7:30 to 16:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Justine Yu can be reached on 703-308-2675. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 308-0861.

A handwritten signature in cursive script, appearing to read "Han Lieh Liu".

Han Lieh Liu
October 1, 2003